House
REPUBLICAN
Conference

Legislative Digest

Week of May 8, 2000 Vol. XXIX, #12, May 5, 2000

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

Monday, May 8

The House Meets at 12:30 p.m. for Morning Hour and 2:00 p.m. for Legislative Business
(No votes before 6:00 p.m.)

**** 6 Suspensions**

Tuesday, May 9

The House Meets at 9:30 a.m. for Morning Hour and 11:00 p.m. for Legislative Business

**** 5 Suspensions**

Wednesday, May 10, and Thursday, May 11

On Wednesday-Thursday, the House meets at 10:00 a.m. for Legislative Business
(On Thursday No Votes Are Expected Past 6:00 p.m.)

Friday, May 12

The House will not be in session

Eric Hultman: *Managing Editor*
Brendan Shields: *Senior Legislative Analayst*

Courtney Haller, Jennifer Lords
& Greg Mesack: *Legislative Analysts*

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Minidoka Reclamation Project

H.R. 3577

Committee on Resources
H. Rept. 106-599
Introduced by Mr. Simpson et al. on February 3, 2000

Floor Situation:

The House is scheduled to consider H.R. 3577 under suspension of the rules Monday, May 8, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3577 increases the amount to be appropriated for the North Side Dumping Division of the Minidoka reclamation project in Idaho. The existing well field, which is used for project drainage, is being closed to improve the underlying aquifer. Minidoka Dam is a combined diversion, storage, and power structure located just south of Minidoka, Idaho. The North Side Pumping Division consists of some 77,000 acres of irrigable public land. The A & B Irrigation District (operating agency of the North Side Pumping Division), in conjunction with the Bureau of Reclamation, has undertaken a program to enhance wetlands. The purpose of this program is to address the quality of runoff, both natural and irrigation return flows, that are injected into the aquifer by drainage wells, and to provide wildlife habitat and to allow reuse. Wetlands naturally filter water as it flows through the vegetation and provide a mechanism for increased natural recharge. Several wetland projects are completed and others are on-going.

Committee Action:

CBO estimates that implementing this bill would increase discretionary spending by about $2.5 million over the 2001-2005 period. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The Resources Committee reported the bill by a voice vote on April 5, 2000.

Christina Carr, 226-2302

Recognizing the Hermann Heights Monument and Hermann Heights Park in New Ulm, Minnesota

H.Con.Res. 89

Committee on Resources
H.Rept. 106-534
Introduced by Mr. Minge on April 20, 1999

Floor Situation:

The House is scheduled to consider H.Con.Res. 89 under suspension of the rules on Monday, May 8, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

The bill recognizes the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German decent. Currently more than 60 million individuals of German heritage reside in the United States, comprising 25 percent of the U.S. population, and constitute the largest ethnic group in the United States.

Numerous Americans of German heritage have made countless contributions to American culture, arts, industry, the American military, and American government. The statue of Hermann the Cheruscan honors a freedom fighter that united ancient German tribes to eliminate the Roman tyranny and preserve freedom for the territory of present-day Germany. The Hermann Monument located in Hermann Heights Park, New Ulm, Minnesota, was dedicated in 1897 in honor of the spirit of the freedom fighter and later dedicated to all German immigrants who settled in New Ulm and other regions in the United States.

Committee Action:

The Committee on Resources reported the bill by voice vote on March 15, 2000.

Sam Shaw, 226-2302

Expediting the Settlement of Discrimination Claims Against the Department of Agriculture

H.Con.Res. 296

Committees on Judiciary and Agriculture
No Report Filed
Introduced by Mr. Dickey *et al.* on March 30, 2000

Floor Situation:

The House is scheduled to consider H.Con.Res. 296 under suspension of the rules on Monday, May 8, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 296 calls for whatever resources necessary to be committed to expediting the settlement process concerning claims of racism perpetrated on African-American farmers by the U.S. Department of Agriculture, so that these claims can be resolved as quickly as possible.

Furthermore, the resolution expresses the sense of Congress that the Attorney General and Secretary of Agriculture should strictly follow the consent decree issued in the discrimination case.

Background:

A number of African-American farmers brought suit against the U.S. Department of Agriculture alleging that from 1981 to 1996 its agents discriminated against them in its administration of the Farm Loan Programs, Commodity Credit Corporation, and disaster assistance programs. The Agriculture Secretary later conceded that the Department had in fact discriminated against these farmers. In order to permit resolution of the complaints filed before July 1, 1997 that the Department had not responded in a timely manner, Section 741 of the Agriculture, Rural Development, Food and Drug, and Related Agencies Appropriation Act of 1999 (P.L. 105-277) waived relevant statutes of limitation that had prevented the adjudication of the complaints in a timely manner.

On April 14, 1999 U.S. District Court Judge Paul Friedman issued a final order that finalized class action lawsuits filed by African-American farmers and required them to file claims to determine their eligibility for the settlement. Under the consent decree between the claimants and the Department, once a claimant is deemed to be a member of the class and has proven discrimination, he or she is entitled to participate in the settlement set out in the consent decree. However, the large volume of claims ordered by the court has severely delayed the settlement process. This bill is designed to express the sense of Congress that the settlement process should proceed as quickly as possible and that the Agriculture Department should devote whatever resources are necessary to settle these claims.

Costs/Committee Action:

At press time a CBO cost estimate was not available.

The bill was not considered by a committee.

Greg Mesack, 226-2305

National Estuary Program Grants Bill

H.R. 1237

Committee on Transportation and Infrastructure
No Report Filed
Introduced by Mr. Saxton *et al*., March 23, 1999

Floor Situation:

The House is scheduled to consider H.R. 1237 under suspension of the rules on Monday, May 8, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 1237 amends the Federal Water Pollution Control Act to authorize grants under the National Estuary Program (NEP). The grants will be used to fund activities related to developing and implementing a comprehensive conservation and management plan (CCMP) for designated estuaries. The bill authorizes $50 million per year for the NEP during the years FY 2000-2004. Under the bill NEP funds may be used to cover no more than 75 percent of the yearly costs of developing a CCMP, and no more than 50 percent of the yearly aggregate costs of implementing the CCMP. The rest of the funds must be provided by a non-federal source.

The bill also adds two new estuaries to the list of the original 16 that have been granted priority consideration. These are the Lake Ponchatrain Basin in Louisiana and Mississippi, and the Mississippi Sound in Mississippi.

Background:

The National Estuaries Program was created in the 1987 Clean Water Amendments (P.L. 100-4). The program, which is managed by the Environmental Protection Agency, is intended to identify significant national estuaries and create a comprehensive plan to restore and preserve them. Prior to the NEP, environmental protection was achieved almost solely by federally regulating specific pollutants. The NEP takes an innovative approach by bringing together a diverse group of parties with interests in an estuary into a management conference and having them create a comprehensive plan for protecting and restoring it. This comprehensive conservation and management plan (CCMP) balances the interests of environmental objectives with other issues, while also keeping local interest and involvement. Members of a management conference include the EPA and other federal agencies, state and local governments, non-profit institutions, industry, and citizens. The CCMP is scheduled to be finished in 5 years, however the EPA can extend the deadline.

An estuary consists of a coastal bay and its freshwater rivers and tributaries. These waterways provide a diverse number of resources for everything from commerce and public infrastructure to recreation. Many coastal populations depend on estuaries to supply industrial facilities, wastewater treatment plants, and

irrigation. For example, the San Francisco Estuary Project estimates that San Francisco Bay's freshwater tributaries supply 55% of California managed water supply, and 40% of drinking water for San Francisco, East Bay cities, Stockton, Sacramento, and Southern California. In order to be included in the NEP an estuary must be either nominated by the governor of a state the estuary is part of, or be nominated by Congress. Currently there are 28 estuaries in the NEP. Of those, 7 have moved on to implementing their CCMP's. In the initial NEP Act Congress granted priority consideration to 16 of the current 28 estuaries.

While a number of the programs have progressed from the planning stage to the implementation stage, the Clean Water Act only authorized grants for management conferences. No monies have been made available for implementation. A consequence of this has been declining appropriations as management conferences have finished their plans and moved on to the implementation stage. H.R. 1237 responds to this problem by reauthorizing the NEP with $50 million annually to provide for both developing and implementing the management plans. This amount of funding will also allow the EPA to expand the number of estuaries in the NEP.

In order to ensure that funds are not wasted, and to ensure local involvement in the implementing of the CCMP, H.R. 1237 requires that federal NEP grants be used for only 75% of the development of a CCMP, and for only 50% of its implementation.

Between 1987 and 1991 the NEP received $12 million annually to administer the program, award grants, and monitor their implementation. The program's authorization expired in 1991. Congress has continued to fund the NEP with appropriations, which reached their peak of $17.9 million in 1992. In FY 2000 the program was appropriated $13.8 million and the President requested $11.9 million for the program in FY 2001, a decrease of 14%.

Costs/Committee Action:

CBO estimates that implementing this legislation would increase discretionary spending by $157 million over the 2000-2005 period.

The Transportation Committee passed the bill by voice vote on April 5, 2000.

Greg Mesack, 226-2305

Southeast Federal Center Public-Private Development Act
H.R. 3069

Committee on Transportation and Infrastructure
H.Rept. 106-591
Introduced by Mr. Franks on October 13, 1999

Floor Situation:

The House is scheduled to consider H.R. 3069 under suspension of the rules on Monday, May 8, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3069 authorizes the Administrator of the General Services Administration (GSA) to enter into agreements with private entities to acquire, construct, rehabilitate, maintain or use facilities located on the Southeast Federal Center located in Washington, D.C. The bill also requires any such agreement to be consistent with the objectives of a plan outlined by the National Capital Planning Commission. It requires the Administrator to report to specified congressional committees before entering into a final agreement. In addition, the measure also requires a 30-day waiting period after such submission before the agreement may become effective. Finally, any proceeds under an agreement are to be deposited into the Federal Buildings Fund established under the Federal Property and Administrative Services Act of 1949.

Background:

The Southeast Federal Center is close to many federal government agencies, and just one mile from the United States Capitol. The Southwest Federal Center is bordered by the Anacostia River on the south and the Navy Yard to the east. Light industrial development lies to the north and west of this 55.3-acre site. The area surrounding the Southeast Federal Center contains a mix of industrial, warehouse and automotive uses in addition to public and private housing. In the past five years, the Department of the Navy has moved several functions to the Navy Yard, resulting in an increase of more than 5,000 naval personnel.

The Southeast Federal Center has remained underutilized and its buildings have deteriorated. There is a federal presence, but it is mostly used for maintenance, motor pool, Federal Protective Service use, warehousing, storage, printing and security needs, in addition to inaugural activities once every four years. In 1989, the GSA commissioned a plan that called for the development of 5 million square feet of office space. However, this plan was not implemented because funds were rescinded and reprogrammed. In 1996 Congress appropriated $20 million for environmental restoration of the area. Congress subsequently appropriated an additional $10 million to complete the work. The work involved the demolishing of buildings, installation of a seawall, cleaning contaminated soils, replacing the original seawall and cleaning the stormwater sewer.

Costs/Committee Action:

CBO cannot estimate the budgetary impact of H.R. 3069. The bill could affect direct spending (including offsetting receipts), so pay-as-you-go procedures would apply.

The Committee on Transportation and Infrastructure reported the bill by voice vote on March 23, 2000.

Sam Shaw, 226-2302

Long Island Sound Restoration Act

H.R. 3313

Committee on Transportation and Infrastructure
H.Rept. 106-597
Introduced by Ms. Johnson (CT) on November 10, 1999

Floor Situation:

The House is scheduled to consider H.R. 3313 under suspension of the rules on Monday, May 8, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3313 reauthorizes funding for the Long Island Sound program and authorizes up to $80 million per year for grants and studies to implement the Comprehensive Conservation and Management Plan (CCMP) for fiscal years 2000-2003. The bill also requires EPA's Long Island Sound Office to assist and support a nitrogen credit trading program (to meet a 58.5 percent nitrogen load reduction in a cost-effective manner) and any other cost-effective measures consistent with the CCMP. This assistance and support is to be provided under the existing authorities for the Clean Water Act, the laws of New York and Connecticut, and any other amendments to such authorities or laws. In addition, the bill authorizes states to provide additional financial relief to designated distressed communities from a state's clean water state revolving fund. This additional subsidy may include forgiving principal loans. The total amount of loan subsidies made by a state may not exceed 30 percent of the amount of the capitalization grant received by the state for the year.

Background:

More than 8 million people live within the Long Island Sound watershed. Studies estimate the sound generates more than $5 billion a year for the regional economy from boating, swimming, commercial, and sport fishing, among other activities. The Long Island Sound, like many estuaries across the U.S., supports multiple uses and demands, and provides habitat for a multitude of fish and wildlife. Increasing population growth and development have led to water quality problems arising from increased nonpoint source pollution from stormwater and agricultural runoff, wastewater discharges with high nitrogen levels, industrial pollution, and commercial and recreational waste. An estimated $1 billion will be needed over the next 20 years to address the environmental and public health problems in the sound.

Long Island Sound is one of the estuaries in EPA's National Estuary Program (NEP), and the EPA approved its comprehensive conservation and management plan (CCMP) in September 1994. NEP funding for the Long Island Sound has been approximately $300,000 annually the past several years. Section 119 of the Clean Water Act, added in 1990, established the EPA Long Island Sound Program Office in the vicinity of the sound for the purposes of carrying out the CCMP, coordinating federal and regional Long Island

Sound activities, conducting studies, and supporting the management conference. EPA funding for the Long Island Sound office was $700,000 in 1997 increasing to $975,000 in 2000.

Costs/Committee Action:

CBO estimates that implementing H.R. 3313 will cost $237 million through FYs 2000-2005. The bill does not affect direct spending or receipts so pay-as-you-go procedures do not apply.

The Transportation and Infrastructure Committee reported the bill by voice vote on April 5, 2000.

Christina Carr, 226-2302

Amending the Ak-Chin Indian Community Water Rights Act

H.R. 2647

Committee on Resources
H.Rept. 106-598
Introduced by Mr. Shadegg on July 29, 1999

Floor Situation:

The House is scheduled to consider H.R. 2647 under suspension of the rules on Tuesday, May 9, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 2647 amends the Ak-Chin Indian Community Water Rights Act so that the tribe can lease, renew a lease, extend the initial terms of a lease for the same or a lesser term as the initial lease, exchange, or temporarily dispose of water to which it is entitled, for use in the Pinal, Pheonix and Tuscon, Arizona Active Management Areas, pursuant to the Arizona Groundwater Management Act of 1980. The bill limits the initial terms of any such lease to 100 years.

The bill also ratifies and approves the December 1996 option and lease agreement among the Indian Community, the United States, and the Del Webb Corporation, a0`nd the January 1999 Amendment Number One to that agreement. The measure also directs the Secretary of the Interior to execute Amendment Number One and the restated agreement within 60 days of enactment.

Background:

Congress passed the Ak-Chin water rights settlement in 1978. The original settlement was amended in 1984 due to its high costs and a lack of anticipated water. The 1984 amendments solved these problems by compensating for the lack of water in the original settlement and provided funds to construct permanent water supplies. In 1992 the settlement was amended again to allow off-reservation leasing of the Indian community's water entitlement. However, the amendment limited leases to a period 100 years or less, and did not allow for an extension of the lease after the 100-year period ended.

This 100-year stipulation became an issue when the Arizona Department of Water Resources sent a letter to the Arizona congressional delegation on July 28, 1999 notifying them that Arizona law and the Arizona Assured Water Supply Program require any new subdivisions in Active Management Areas (AMAs) to show the continuous physical and legal availability of water supplies that are consistent with the goals of the AMA. Some subdivision developments sought to lease the Ak-Chin water supplies in order to meet these requirements. The attempt was complicated because the Ak-Chin Act as amended allowed for leases of no more than 100 years, and the time between securing a water lease and the time it takes a development to become able to apply to the Arizona Department of Water Resources for an Assured Water Supply

certificate can be longer than five years. Arizona law provides that a lease with a remaining time of less than 100 years does not meet the test of continuous and physical availability.

H.R. 2647 would resolve that problem by providing a legal avenue for the Ak-Chin tribe to extend or renew its existing leases with an Arizona development company that needs a state of Arizona Assured Water Supply certificate for its municipal water supply. The Del Webb Corporation is a developer currently attempting to secure this certificate, but cannot, due to the stipulations in existing law that prevent the Ak-Chin Indians from extending or renewing leases for water rights.

Costs/Committee Action:

The CBO estimates that the legislation's impact on federal spending would be negligible.

The Resources Committee reported the bill by a voice vote on April 5, 2000.

Greg Mesack 226-2305

Amending the Law Authorizing the Vietnam Veterans Memorial to Authorize the Placement of a Plaque within the Site of the Memorial

H.R. 3293

Committee on Resources
H.Rept. 106-585
Introduced by Mr. Gallegly on November 10, 1999

Floor Situation:

The House is scheduled to consider H.R. 3293 under suspension of the rules on Tuesday, May 9, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3293 amends the law establishing the Vietnam Veterans Memorial (P.L. 96-297) to authorize the placement within the site of the memorial a plaque honoring those Vietnam veterans who have died after service in the Vietnam War and as a direct result of that service, who are not eligible for placement on the memorial wall. The amendment directs the American Battle Monuments Commission (AMBC) to place the plaque within the memorial site. The AMBC, in preparation of design and selection of location of the plaque, must consult with the architects of the Vietnam Veterans Memorial Fund. Federal funds may not be used to design, obtain, or install the plaque.

H.R. 3293 is the most recent in a series of legislative proposals to add memorials to the National Mall. This legislation would honor those veterans who died after completion of their military service in the Vietnam War. Currently, the Vietnam Veterans Memorial honors only those military personnel who died during the conflict.

Cost/Committee Action:

CBO estimates that H.R. 3293 would have no significant impact on the federal budget.

The Committee on Resources considered and reported the bill by a voice vote on April 5, 2000.

Sam Shaw, 226-2302

The Long Term Care Security Act

H.R. 4040

Committees on Armed Services and Government Reform
No Report Filed
Introduced by Mr. Scarborough *et al*. on March 21, 2000

Floor Situation:

The House is scheduled to consider H.R. 4040 under suspension of the rules on Tuesday, May 9, 2000. It is debatable for 40 minutes, may not be amended, and requires two-thirds majority vote for passage.

Summary:

H. R. 4040 directs the Office of Personnel Management (OPM) to establish a program that will solicit competitive bids from private insurers at rates that reasonably and equitably reflect the cost of the benefits being provided for the long-term health care of federal workers, including military and civilian employees and retirees. Employees eligible for the group coverage may also include eligible spouses, children, adopted children, stepchildren and stepparents. Employees who enroll in the group coverage must pay 100 percent of the premium and may choose to have the premium deducted from their pay, which is paid directly to the insurance carrier.

Background:

Support for legislation to provide long-term health care benefits to federal workers has been building for several years. The President's FY 2001 budget request included a group long-term care insurance program for current and retired federal employees, their spouses and certain other family members. Long-term health care policies purchased by young or middle-aged employees are more affordable than if workers wait until closer to retirement. Thus, H.R. 4040 seeks to encourage federal workers to participate in this benefit program so they can be protected from financial strain or reliance on Medicaid in their retirement years. Presently, most Americans faced with nursing-home care often deplete their own financial resources and then must fall back onto Medicaid, which last year cost the federal government about $33 billion.

Employer-sponsored group long-term care insurance is a relatively new benefit for workers but is becoming more prevalent. Group coverage premiums tend to be 15-20 percent lower than individual or family coverage. H.R. 4040 reflects an effort to establish a federal program that can set an example for the private sector. Because of the size of the federal workforce it is expected that competition for the coverage contract with the OPM should be very competitive and result in reduced premium rates for federal employees. The bill requires participants to pay the full premium with no government subsidy or reimbursement.

Committee Action:

CBO estimates that such outlays would increase direct spending by $3 million during fiscal year 2001 and $18 million during 2002, while receipts would exceed outlays by $2 million in 2003 and by $4 million per year in 2004 and 2005. Because the bill would affect direct spending, pay-as-you-go procedures would apply.

The Government Reform Committee reported the bill by voice vote on March 30, 2000.

Eric Hultman, 226-2304

Trafficking Victims Protection Act

H.R. 3244

Committees on International Relations and the Judiciary
H.Rept. 106-487 Parts I & II
Introduced by Mr. Smith (NJ) *et al.* on November 8, 1999

Floor Situation:

The House is scheduled to consider H.R. 3244 under suspension of the rules on Tuesday, May 9. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority for passage.

Summary:

H.R. 3244 is intended to end the trafficking of persons (mostly women and children) into the international sex trade, slavery and forced labor. The bill provides for (1) severe punishment for persons convicted of operating trafficking enterprises within the United States, and the possibility of severe economic penalties against traffickers located in other countries; (2) an Interagency Task Force to Monitor and Combat Trafficking, which would facilitate and evaluate progress in trafficking prevention, victim assistance, and the prosecution of traffickers; and (3) a set of initiatives to prevent trafficking by enhancing economic opportunities available to potential victims and by increasing public awareness of the dangers of trafficking. In total, $94.5 million over the next two years is authorized to help victims and for foreign countries to fight various forms of trafficking and provides that assets forfeited by the traffickers will be dedicated to enforcing the statute.

The bill also requires annual reporting on trafficking as part of the State Department Country Reports on Human Rights. In addition, the measure authorizes funds for activities to help foreign countries meet minimum anti-trafficking standards and provides for assistance and protection for victims by authorizing grants for shelters and rehabilitation programs. There is also relief available from deportation for victims who would face retribution or other extreme hardship if removed from the United States. Finally, the bill requires the President to identify foreign governments that tolerate or condone severe forms of trafficking and to withdraw non-humanitarian U.S. assistance from such governments (beginning in 2002) unless the President believes that a waiver of this provision is in the national interest.

An estimated one to two million women and girls are trafficked annually around the world for the purpose of forced labor, servitude, or sexual exploitation. These women are lured by traffickers with the promise of jobs such as modeling, waitressing, or being a nanny. Many of the women come from poverty stricken areas and developing countries in Central Europe and the former Soviet Union.

Costs/ Committee Action

CBO estimates that passage will result cost $89 million over the FY 2000-2005 period. The measure affects direct spending so pay-as-you-go procedures apply.

H.R. 3244 was reported by the International Relations Committee by voice vote on November 9, 1999. It was then referred to the Judiciary Committee where it passed by voice vote on April 4, 2000.

Brendan Shields, 226-0378

Breast and Cervical Cancer Prevention and Treatment Act
H.R. 4386

Committee on Commerce
No Report Filed
Introduced by Ms. Myrick *et al.* on May 4, 2000

Floor Situation:

The House is scheduled to consider H.R. 4386 under suspension of the rules on Tuesday, May 9, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

(This write-up reflects the version of the bill at press time. If there are changes they will be reflected in Tuesday's FloorPrep.)

H.R. 4386 amends title XIX of the Social Security Act to provide medical assistance for certain women under 65 who have been screened and found to have breast or cervical cancer by the Center for Disease Control and Prevention (CDC) early detection program. The medical assistance made available will be limited to assistance provided during the period of treatment for breast or cervical cancer. Such assistance begins at diagnosis and ends the day determined under the state plan, with respect to the eligibility of such individual for services, or when the individual does not file an application by the last day of the month following the month of diagnosis. The bill also stipulates that the state agency must provide the patient with all forms necessary for an application for medical assistance.

The bill amends the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV). The Health and Human Services Secretary (acting through the director of the CDC) is required to report to Congress on this data in one year. This report is to include data that will determine the prevalence of HPV in specific groups and areas in the United States. Also, the CDC will be required to conduct prevention research on HPV. A final proposal, submitted two years after the effective date, will include a detailed summary of the significant findings and problems and will outline the steps needed to make HPV a reportable disease and the best strategies to prevent infections. Finally, the bill requires that HHS publicly state if condoms are effective in preventing the transmission of HPV and other sexually transmitted diseases.

Background:

Breast cancer kills over 46,000 women each year and is the leading cause of death among women between 40 and 45, while cervical cancer kills 4,400 women a year. In 1990, Congress took the first step to fight breast and cervical cancer by passing the Breast and Cervical Cancer Mortality Prevention Act. This law authorized a breast and cervical cancer-screening program for low-income, uninsured or underinsured

women through the CDC. The current program covers screening services only, not treatment. The current method of providing treatment is through an *ad hoc* patchwork of providers, volunteers, and local programs that often results in unpredictable, delayed, or incomplete treatment.

The human papillomavirus causes genital warts and affects both men and women. It is often difficult or even impossible to diagnose because the tests available are not completely reliable and can be confusing. There is no totally reliable way for sexually active people to prevent exposure to HPV. Women infected with HPV may be at a greater risk for developing dysplasia of the cervix, a pre-cancerous condition that may lead to cervical cancer if not detected and treated.

Costs/Committee Action:

An official CBO cost estimate was unavailable at press time.

The bill was not considered by a House committee.

Christina Carr, 226-2302

Internet Nondiscrimination Act

H.R. 3709

Committee on the Judiciary
No Report Filed
Introduced by Mr. Cox on February 29, 2000

Floor Situation:

The House is scheduled to consider H.R. 3709 on Wednesday, May 10, 2000. The Rules Committee is scheduled to meet on the bill at 1:00 p.m. on Tuesday, May 9. Additional information on the rule and any amendments made in order will be provided in *FloorPrep* prior to floor consideration.

Summary:

H.R. 3709 extends the 3-year moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce which took effect on October 1, 1998 by the Internet Tax Freedom Act (*P.L. 105-277*) for a period of five years. The original moratorium on taxes of the Internet bars state or local governments from taxing Internet access from October 1, 1998 until October 21, 2001. The legislation also repeals an exemption in the 1998 law that permitted the states already taking steps to tax Internet access to continue to do so if they could demonstrate that their taxes had already been "generally imposed and actually enforced" on Internet access providers prior to October 1, 1998. This exception only applied to taxes on Internet access, it did not apply to any other taxes in the moratorium.

The term "discriminatory" commonly carries distinct meanings, but for the purposes of the Internet Tax Freedom Act and H.R. 3709, "discriminatory tax" is defined as any tax on electronic commerce that is not generally imposed and legally collectible by a state or local government on transactions involving similar property, goods, services, or information accomplished through other means. A tax is discriminatory if it is imposed on an Internet transaction but not imposed on any other similar transaction off the Internet, or if it is imposed in only some, but not all other cases.

Background:

A temporary Advisory Commission on Electronic Commerce (ACEC) formed by The Internet Tax Freedom Act studied the electronic commerce tax issues and reported back to Congress on whether electronic commerce should be taxed, and if so, how it can be taxed in a manner that ensures that such commerce will not be subject to special, multiple, or discriminatory taxes. The ACEC, headed by Governor James Gilmore (VA), was comprised of 19 members from the business sector and federal, state, and local government. The commission voted on a number of proposals to make their formal findings and recommendations. These findings and recommendations include: (1) provisions to lessen the digital divide; (2) privacy implications of Internet taxation; and (3) support of the implementation of a permanent standstill on tariffs. No formal agreements were made on the sales and use tax issue, but both the majority and minority proposals recommended extending the moratorium.

The larger tax issue for states and localities is whether, and how, they should be able to require sales and use taxes to be collected on sales which occur using the Internet. H.R. 3709 does not address that issue but instead, ensures that the Internet is not singled out for specific forms of taxation, while protecting online shoppers from multiple or duplicative taxes.

Costs/Committee Action:

A CBO cost estimate was unavailable at press time.

The Judiciary Committee reported the bill by voice vote on May 4, 2000.

Christina Carr, 226-2302

Conservation and Reinvestment Act of 1999

H.R. 701

Committee on Resources
H. Rept. 106-499, Part 1
Introduced by Mr. Young, *et. al.* on February 10, 1999

Floor Situation:

The House is scheduled to consider H.R. 701 during the week of May 8, 2000. The Rules Committee will meet on Tuesday, May 9 at 1:00 p.m. to consider a rule on this measure prior to its consideration on the floor. Additional information on the rule and any amendments made in order will be provided in *FloorPrep* prior to floor consideration.

Summary:

H.R. 701 establishes a new program that provides Outer Continental Shelf impact assistance to state and local governments and amends several existing statutes to create a fund for the purchase of land for parks, renovation of historic properties, creation of new wildlife habitat areas and incentives to assist in the recovery of threatened and endangered species. The Conservation and Reinvestment Fund (CARA) will receive revenues from leased oil and gas tracts within a defined area of the Outer Continental Shelf. The Fund will then allocate these funds to state and local governments in accordance with the various titles of the bill. In addition to establishing the new OCS fund, the bill amends the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 19768, and the Federal Aid in Wildlife Restoration Act (so-called Pittman-Robertson Act).

Background:

Historically, most funding for conservation programs has been generated at the state and local level, utilizing a number of methods such as game stamp taxes, taxes on fishing and hunting equipment, hunting and fishing license fees and similar types of user fees or special revenues. These methods of funding have fallen short of the conservation needs of most areas of the United States primarily because they are subject to local decision making. Local government officials are reluctant to impose taxes or fees considered burdensome by the public. The Conservation and Reinvestment Act of 1999 is intended to supplant state and local funding for conservation and recreation programs and to encourage increased levels of state and local funding.

The Resources Committee received testimony during its hearings that identified several areas where coastal erosion due in part to offshore mineral production activities and channeling caused by levees and other water control mechanisms resulted in significant loss of coastal wetlands. In Louisiana annual land loss rates due to coastal erosion have exceeded 40 square miles representing 80 percent of all coastal wetlands loss in the country. Funding provided by the CARA Fund will provide financial resources to protect and preserve our nation's coastlines. In addition to making financial assistance to coastal states for preserva-

tion of shorelines and wetlands areas, there is an emphasis on protecting and expanding wildlife habitat that may be adversely impacted by various impacts of OCS activities.

- **Title I of the bill provides $1 billion each year for revenue sharing** among coastal states and eligible local governments to mitigate impacts of offshore drilling or exploration activities. The revenues generated under this program are limited to the royalties, bonus bills and rents received by the United States from existing OCS producing tracts. This limitation on funding has been written so as not to create an incentive for more oil or gas development in the OCS. The bill also excludes any tract that is within a leasing moratorium as of January 1, 1999. A five-year review period or "snap-shot" is taken to ensure that funding allocations to oil and gas producing states is kept consistent with the amount of OCS production and any impacts to their coastlines. Any new development not subject to a moratorium is included in the overall ratio of all offshore oil and gas developments, thus resulting in a negligible increase in any one state's share of the fund's allocation.

- **Title II of CARA adds $900 million annually to the Land and Water Conservation Fund** (LWCF) to ensure its funding at its authorized levels. This dedicated fund provides funding for both state and federal programs dividing the allocation equally between the two. The state portion is to be distributed 100 percent to states and U.S. insular areas according to a formula under section 206 of the bill.

- **Title III provides $350 million for wildlife conservation and education** for both game and non-game species. These funds will be distributed through existing programs under the Pittman-Robinson Act and the Federal Aid in Sportfish Restoration Act (Dingell-Johnson Act). Since 1987, these two programs have contributed more than $5 billion, matched by states, to conservation of fish and wildlife.

- **Title IV provides $125 million and Title V provides $100 million for the Urban Park and Recreation Recovery Act and the Historic Preservation Act** respectfully for support of programs under these federal laws.

- **Title VI provides $200 million** for a coordinated program on federal and Indian lands to restore degraded lands and to protect public health and safety.

- **Title VII provides $150 million** for annual funding dedicated to conservation easements and other landowner incentives to assist in the recovery of threatened and endangered species.

- Finally, the bill provides up to $200 million of the annual interest generated from the CARA fund to be used as matching funds on a dollar for dollar basis for any amounts appropriated during the regular appropriation process of the Congress.

Arguments For and Against the Bill:

Supporters of the legislation argue that setting aside a trust fund for the conservation of land, water and open spaces has broad support among the American public which generally supports the use of the budget surplus as a means of funding the programs targeted in the bill. All fifty state governors have indicated their support for CARA as have the U.S. Conference of Mayors and the National Association of Counties.

Proponents of H.R. 701 also point out that the legislation provides much-needed reforms in the Land and Water Conservation Fund program, including increased protections for property and water rights by restricting the regulatory authority of the federal government over all private lands. The CARA fund strengthens the existing Pittman-Robertson programs by providing a dedicated amount of $350 million each year for state wildlife programs. Finally, the bill has more than 300 cosponsors in the House.

Opponents of H.R. 701 argue that the bill (1) undermines basic private property rights guaranteed by the Fifth Amendment to the U.S. Constitution; (2) will cause tax revenues to be lost by counties and municipalities when otherwise taxable private lands are acquired by governments leading to fewer funds for basic services like education, police and fire protection; (3) reduces the level of recreational access as currently accessible private lands are lost to the government; (4) threatens the future growth of communities, especially in rural areas as farm families are encouraged to sell their lands to the government; and (5) creates additional incentives to open up new areas to off-shore oil drilling.

Costs/Committee Action:

CBO estimates that enacting H.R. 701 would increase direct spending by about $1.4 billion in fiscal year 2002 and by a total of $7.8 billion through fiscal year 2005. Assuming that the funds authorized by the bill are appropriated, the bill results in discretionary spending of about $3.7 billion over that same period. Because the bill affects direct spending, pay-as-you-go procedures apply.

The Committee on Resources reported the bill on November 10, 1999 by a vote of 37 to 12.

Eric Hultman, 226-2304

The Comprehensive Budget Process Reform Act of 1999

H.R. 853

Committee on the Budget
H.Rept. 106-198, Part I-III
Introduced by Mr. Nussle *et al.* on February 25, 1999

Floor Situation:

The House is scheduled to consider H.R. 853 during the week of May 8, 2000. The Rules Committee is scheduled to meet on Wednesday, May 10 to consider a rule on this measure. Additional information on the rule and any amendments made in order will be provided in *Floor Prep* prior to consideration on the floor.

Background:

Legislation to improve the process by which Congress budgets and appropriates trillions of dollars of public money every year has been introduced in recent Congresses. This bipartisan bill amends the Congressional Budget and Impoundment Act of 1974 to keep pace with the changes in the federal government's budgetary processes that have evolved over the years. This legislation promotes consensus, responsibility, accountability, and discipline in the way the federal government handles the public's money.

Major Provisions of H.R. 853 Making Changes to Current Law:

Budget Resolution with the Force of Law. Under current law, Congress and the President each have their own vehicles for establishing overall budget priorities. The President is required annually to submit a budget for the U.S. Government containing his budget priorities. This budget has no legal force and the Congress is free to adopt, ignore, or revise these priorities as it considers its own budget resolution. The Budget Enforcement Act of 1990 (BEA) requires the Congress to adopt a concurrent resolution on the budget, which sets the broad budgetary parameters for subsequent spending and tax legislation. This concurrent resolution is not submitted to the President and does not have the power of law. H.R. 853 changes the current nonbinding concurrent resolution to a joint budget resolution which is signed into law by the President. In the event the President vetoes the joint budget resolution, the Congress may adopt a concurrent resolution. In order to focus deliberations on broad budget priorities, the current 20 budget categories are replaced with total spending divided into the following categories: discretionary, mandatory, emergencies and interest. This spending can then be easily contrasted with revenue levels.

Emergency Spending. Under the Budget Act of 1990, any spending designated as emergency by both the Congress and the President does not affect the aggregate spending levels established in the budget resolution. The BEA does not impose limitations on emergency appropriations. H.R. 853 requires the President and Congress to create a separate fund within the budget for emergencies. This measure establishes the following criteria for future emergency designations: 1) funding for "loss of life or property, or a threat to national security," and 2) an "unanticipated" situation, meaning that it is sudden, urgent, unfore-

seen, and temporary. Emergency funding will only be released for bills that meet the emergency criteria. Finally, the emergency reserve fund would equal a five-year average of emergency spending.

Enforcement of Budgetary Decisions. Currently, both the House and Senate are prohibited from considering spending and tax legislation before the budget resolution is agreed to. Once the budget resolution is adopted, legislation exceeding the resolution's budget aggregates and allocations is subject to a point of order on the floor. When a bill is brought to the floor without having been reported by the committee of jurisdiction, it is not subject to a point of order since the restrictions do not apply to original bills.

H.R. 853 requires each bill report to include a statement from the Budget Committee determining whether the bill complies with the budget resolution. The Rules Committee must then justify any rule that waives Budget Act points of order. Additionally, it requires that the Congressional Budget Office (CBO) provide estimates to accompany conference reports whenever practicable, other than tax bills which are scored by the Joint Committee on Taxation.

Accountability for Federal Spending. Currently, authorizing committees have strong incentives to create mandatory programs not subject to the annual appropriations process. Mandatory programs do not compete with discretionary programs for limited funding under the Budget Enforcement Act allocations and permanent programs do not have to be reauthorized, avoiding periodic offsets.

H.R. 853 requires committees, at the beginning of each Congress, to submit schedules for reauthorizing all laws, programs, or agencies in their jurisdictions, including entitlements, except Social Security. This measure prohibits the consideration of any bill, amendment, motion, or conference report that authorizes a new entitlement program unless the program is limited to a period of 10 years or fewer. The Budget Committee must justify any amount allocated in the budget resolution to an authorizing committee to create or expand an entitlement. This measure establishes a procedure to 1) allow new entitlements to be subject annual appropriations and 2) hold the Appropriations Committee harmless for new discretionary spending that is offset with reductions in direct spending. H.R. 853 requires that CBO estimates cover a period of 10 fiscal years. Currently, there is no requirement for a vote to increase the public debt. H.R. 853 requires a vote by repealing House Rule 23.

Long-Term Obligations. Congress is required to account for any bill increasing taxpayer' liabilities for federal insurance programs in the budget process by applying risk-assumed budgeting for these obligations. Once taxpayer liability for a program is determined, Congress and the President are required to show the long-term liabilities of federal insurance programs alongside their traditional presentations of the cash transactions of these programs. H.R. 853 changes the accounting process used for federal insurance programs from cash-based budgeting to accrual accounting. Estimates of long-term liabilities will be fully integrated into the President's budget submission, the joint budget resolution, and all budgetary projections and cost estimates. These new provisions will be applied to new insurance programs of the federal government, and the following programs: Bank and Thrift Deposit Insurance; Credit Union Share Insurance; Pension Benefit Insurance; Federal Life Insurance; Veterans Mortgage Life Insurance; National Flood Insurance; Federal Crop Insurance; Political Risk Insurance (the Overseas Private Investment Corporation); Federal War-Risk Insurance; and the National Vaccine Injury Compensation Program. The federal government's social insurance, retirement, and medical insurance programs are exempt from these provisions.

In addition to shifting to risk-assumed budgeting for insurance programs, this measure requires CBO and OMB to report periodically on long-term budgetary trends. These reports will focus on both the long-term trends of major entitlements and the impact of long-term Federal spending and taxation on the economy, including such factors as inflation, foreign investment, interest rates, and economic growth.

Baselines and Byrd Rule. Currently, the President's budget and the Congressional budgets establish different baselines for spending and revenue. H.R. 853 establishes uniformity by requiring the President's budget, Congressional budget resolutions, and CBO cost estimates be compared with prior year spending levels. Furthermore, CBO and OMB are required to report on the reasons for growth in federal entitlement spending, including: legislation, inflation, beneficiaries, and the frequency with which expensive medical technologies are used in medical insurance programs.

Costs/Committee Action:

H.R. 853 does not provide direct spending authority, so pay-as-you-go procedures would not apply to the bill.

The Budget Committee reported the measure by a vote of 22-12 on June 17, 1999. The Appropriations Committee reported the measure by voice vote on June 22, 1999.

Courtney Haller, 226-6871